



# PUBLIC NOTICE

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DA 02-1743

Released: July 19, 2002

## DOMESTIC SECTION 214 APPLICATION FILED FOR CONSENT TO ACQUIRE ASSETS OF TCI MICROWAVE, INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-182

On June 21, 2002, TCI Microwave, Inc. ("TCI") and AMCI Acquisition L.P. ("AMCI"), pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 (the "Act"), hereby seek authority for acquisition by AMCI of the assets of TCI.

Applicants assert that this application is subject to streamlined processing under section 63.03(b)(2)(i) of the Commission's rules because the transaction will result in AMCI having no market share in the interstate interexchange market; the transferee will not provide competitive telephone exchange service or exchange access services at all; and neither applicant is dominant with respect to any service.

TCI and AMCI have entered into an asset purchase agreement dated as of May 31, 2002, whereby TCI will sell certain of its assets to AMCI. TCI is a Delaware corporation with its principal office and place of business at 188 Inverness Drive West, Englewood, Colorado 80112. TCI operates a point-to-point terrestrial microwave radio system in the State of Oregon which is dedicated exclusively to the delivery of video signals to television stations and cable TV systems. TCI does not offer telecommunications services to the general public. TCI is a wholly-owned subsidiary of AT&T Broadband, LLC which is owned by AT&T Corp.

TCI provides service in the State of Oregon as a miscellaneous common carrier. AMCI proposes to continue the Oregon business substantially as conducted presently by TCI.

AMCI is a new entrant in the telecommunications industry. It has no other business interests. Its principals are experienced in industry-related enterprises such as the ownership and management of tower structures that serve as antenna support structures for telecommunications companies.

Because the transaction proposes the acquisition of assets by AMCI that include authorizations issued by the Commission for operation of TCI's point-to-point microwave radio facilities in the State of Oregon, there is pending an application for Commission consent to assignment of such authorizations.<sup>1</sup> AMCI is also proposing to acquire the assets of a separate AT&T Broadband, LLC subsidiary, American Microwave & Communications, Inc., for which a separate section 214 Application is concurrently filed.

Applicants assert that approval of this application will promote the public interest by allowing the business developed and operated by TCI in the State of Oregon to be carried on by a new entrant in the telecommunications industry. Applicants state that AMCI brings industry-related experience to the task, and under the ownership, direction and management of the AMCI management team, AMCI is committed to the continued provision of high-quality, communications services to TCI's Oregon customers.

### **GENERAL INFORMATION**

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice.<sup>2</sup> Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31<sup>st</sup> day after the date of this notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

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<sup>1</sup> See Wireless Telecommunications Bureau Assignment of Authorization and Transfer of Control Applications Accepted for Filing, *Public Notice*, Report No. 1215 at 15 (WTB rel. June 26, 2002) (File No. 0000934075).

<sup>2</sup> See 47 C.F.R. section 63.03(a).

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) the Commission's duplicating contractor, Qualex International, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [qualexint@aol.com](mailto:qualexint@aol.com); facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: [twilson@fcc.gov](mailto:twilson@fcc.gov), and
- (3) Bill Dever, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: [wdever@fcc.gov](mailto:wdever@fcc.gov); and
- (4) Jeff Tobias, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12<sup>th</sup> Street, S.W., Room 2-828, Washington, D.C. 20554; email: [jtobias@fcc.gov](mailto:jtobias@fcc.gov), and
- (5) Nandan Joshi, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: [njoshi@fcc.gov](mailto:njoshi@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

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